

### **REMARKS**

Claims 1-21 and 24-31 are pending in this application. Claims 1-3, 20, 21 and 25-28 are herein amended. No new matter is added.

Claims 1-3, 20, 21 and 25-28 have been amended to provide further clarification of the patentable subject matter. Support for the newly added feature of claim 1 is in the specification, as originally filed, for example paragraph [0086].

Applicants wish to thank the Examiner for the helpful and courteous telephone interview conducted on July 29, 2009. During the telephone interview, Applicants' representatives and the Examiner discussed the differences between the present application and the cited art and the patentability of the subject matter. At the end of the interview, no conclusion was reached by the parties.

### **Priority under 35 U.S.C. §119**

Applicants earnestly request acknowledgment of their foreign priority under 35 U.S.C. §119. Applicants filed a claim for priority under 35 U.S.C. §119 on April 21, 2006, in which priority was claimed by Japanese Patent Application No. 2003-363220, filed on October 23, 2003. Applicants respectfully request that the corresponding correction be made.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1-21 and 24-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bowley et al. (hereinafter Bowley) USPGPUB 200310063245 in view of Winker et al. (hereinafter Winker) USPAT 6,710,831. Applicants respectfully traverse this rejection.

The Examiner asserts that the properties of the presently claimed optical element (A) are inherent in the broadband cholesteric polarizer of Bowley.

The presently claimed polarizing element (A) is not rendered obvious from the disclosure of Bowley. The polarization axis of the linearly polarized light of emitting light of the presently claimed invention is a feature that is unobvious over the disclosure of Bowley. Furthermore, this deficiency is not overcome by the disclosure of Winker.

As disclosed in the present specification, the difference in axis direction of linearly polarized light in oblique transmitted light as in the polarization element (A1) and the polarization element (A2) can be controlled in an arbitrary way by the difference in order of lamination of the cholesteric liquid crystal layers or the difference in manufacturing method. In other words, axis direction of linearly polarized light in oblique transmitted light in broadband cholesteric polarizers is not always the same. Thus, it is not an inherent feature of the cited references.

For at least this reason, Bowley does not disclose, teach, suggest or provide any reason for an optical element (A) that “is capable of ... a polarization axis of the linearly polarized light of emitting light is substantially perpendicular or substantially parallel to the normal direction of a surface of the polarizing element,” as recited in claim 1.

In addition, neither Bowley nor Winker discloses, teaches, suggests or provides any reason for an optical element comprising a polarizing element (A) made of a cholesteric liquid crystal and a linearly polarized light reflection polarizer (B). The Examiner notes that Winker

discloses a linear reflective polarizer in conjunction with a zero to half-wave retarder. However, the zero to half-wave tunable retarder in Winker is not a circular polarizer. See Winker, Col. 7, lines 58-65; see also, Winker, Figure 7, 704.

Applicants respectfully disagree with the Examiner's position that the linear and circular combination of polarized light is a mature art.

Moreover, the technical effect of compatibility of improvement on brightness with light collimation by the optical element is an unexpected achievement over Bowley in view of Winker.

The present specification discloses that an optical element (X) of the presently claimed invention has a light condensing characteristic capable of reflecting light only at an arbitrary azimuth thereby to condense light at a necessary azimuth angle, including the front. See present specification, paragraphs [0067] and Figures 9 and 10. The present specification also discloses the principle of the improvement on brightness with light collimation by the optical element. See present specification, paragraphs [0058] to [0066].

Bowley and Winker merely mention that for the light in the normal direction of the optical element. They are both silent as to the light in an oblique angle, which is the technical effect of the presently claimed invention. This feature of the presently claimed invention is not disclosed, taught, suggested or provided for in the cited art.

For at least these reasons, Applicants respectfully traverse the Examiner's position and assert that the presently claimed invention is unobvious over the cited art. Favorable reconsideration of the rejection is earnestly solicited.

Application No.: 10/576,614  
Art Unit: 2871

Amendment under 37 C.F.R. §1.111  
Attorney Docket No.: 062427

Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bowley in view of Winker as applied to claim 30 above, and further in view of Sahouani et al. (hereinafter Sahouani) USPGPUB 2003/0184862. Applicants respectfully traverse this rejection.

As discussed above, Bowley in view Winker does not render the presently claimed invention obvious. The deficiencies of Bowley in view Winker are not overcome by the disclosure of Sahouani. Thus, favorable reconsideration of this rejection is earnestly solicited.

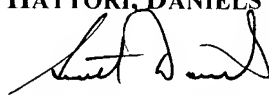
In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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